

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

BEFORE THE
ILLINOIS COMMERCE COMMISSION

KERRY A. IVEY)
)
vs.) DOCKET NO.
) 09-0385
CENTRAL ILLINOIS LIGHT COMPANY)
d/b/a AmerenCIILCO)
)
Complaint as to billing/charges)
in East Peoria, Illinois.)

Springfield, Illinois
Monday, December 14, 2009

Met, pursuant to notice, at 10:00 A.M.

BEFORE:

MS. ALISA TAPIA, Administrative Law Judge

APPEARANCES:

MR. KERRY A. IVEY
1186 Upper Spring Bay Road
East Peoria, Illinois 61611
Ph.(309) 357-0435
E-mail: Kerive@yahoo.com

(Complainant appearing pro se)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR License #084-002710

(CONTINUED)

(Appearing on behalf of the Respondent)

1		<u>I N D E X</u>			
2					
3	<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	(None)				
5					
6					
7					
8					
9					
10					
11					
12					
13	<u>EXHIBITS</u>	<u>MARKED</u>	<u>ADMITTED</u>		
14	(None)				
15					
16					
17					
18					
19					
20					
21					
22					

1 62701. My phone number is (217) 544-8491, and my
2 e-mail address is cdavis@bhslaw.com.

3 JUDGE TAPIA: Thank you, Mr. Davis. For the
4 record there are no others wishing to enter an
5 appearance.

6 Prior to going on the record I
7 discussed with the parties the schedule. The
8 complainant, Mr. Ivey, failed to file his rebuttal.
9 I have asked parties -- or actually I have asked
10 Mr. Davis on behalf of Ameren if he objects to
11 redoing the schedule and allowing Mr. Ivey to file
12 his rebuttal. I will note for the record that on
13 behalf of Ameren Mr. Davis objects to this.

14 Anything else you want part of the
15 record, Mr. Davis?

16 MR. DAVIS: No, Your Honor.

17 JUDGE TAPIA: Then I am going to note that he
18 objects to it, but I am going to allow Mr. Ivey to
19 file his rebuttal. The new date for rebuttal
20 testimony will be due December 30, '09, by 5:00 p.m.

21 We will have a status hearing on
22 January 14 at 9:30 a.m. That will be a status

1 hearing and I will at that time ask the parties if
2 they are ready to proceed to the evidentiary hearing.

3 Anything else any of the parties would
4 like to be part of the record here today before we
5 continue this case until January 14?

6 MR. DAVIS: No, Your Honor.

7 MR. IVEY: I have a question. If we are having
8 one of our blizzards on January 14, are we still
9 going to try to make it up here?

10 JUDGE TAPIA: Well, January 14 you don't have
11 to attend. If you would like, you don't have to
12 attend in person. You can attend telephonically.
13 And, Mr. Davis, if you would be so kind to get a
14 number that Mr. Ivey can call in?

15 MR. DAVIS: We can do that.

16 JUDGE TAPIA: Even if there isn't a blizzard,
17 you can attend by phone on that day.

18 MR. IVEY: Okay.

19 JUDGE TAPIA: The only day that requires your
20 in-person -- presence in person, would be the
21 evidentiary hearing because you are going to testify
22 and you need to bring your exhibits. So you have to

1 attend in person that day.

2 And like I said off the record, we
3 will decide or the parties will decide on January 14
4 what that date will be. Tentatively perhaps it will
5 be in March.

6 MR. IVEY: Now, what do you do about witnesses
7 like the police detectives and like Ms. Blue (sp)
8 that works for the ICC?

9 JUDGE TAPIA: Well, depending on -- well, let's
10 go off the record for a minute.

11 (Whereupon there was then had an
12 off-the-record discussion.)

13 JUDGE TAPIA: Go back on the record. D.

14 In answer to your question, Mr. Ivey,
15 on the record -- we discussed it off the record -- in
16 regards to witnesses testifying, unless they have
17 actually submitted testimony, they will require the
18 presence. However, we are a little more flexible.
19 As long as it is not improper and the document
20 submitted is legitimate, it appears to be what it is,
21 we are a little flexible. I will allow the
22 admittance of that hearsay document, but, again, as

1 long as it is not misleading. And at that time if it
2 is admitted or actually if it is offered for
3 admitting, Mr. Davis will have an opportunity to
4 object if he feels it shouldn't be admitted into
5 evidence and at that time I will rule on that.

6 Any other questions, Mr. Ivey?

7 MR. IVEY: I don't think so.

8 JUDGE TAPIA: Then we will continue this case
9 until January 14. We will have a status hearing.
10 Again, Mr. Ivey, you don't have to attend in person.
11 You can attend via conference call. And then at that
12 time we will decide, the parties will decide, on the
13 evidentiary hearing.

14 Okay, thank you so much.

15 (Whereupon the hearing in this
16 matter was continued until
17 January 14, 2009, at 10:00 a.m.
18 in Springfield, Illinois.)

19

20

21

22